



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

279851

AUG 02 2006

REPLY TO THE ATTENTION OF:

Acme Chicago Coke Plant
Site#: B5AY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Salrecon, LLC
Attn: Michael A. Urioste
126 River Road
Gadsden, AL 35901

RE: Acme Chicago Coke Plant
11236 South Torrence Ave., Cook County, Chicago, IL
General Notice of Potential Liability

Dear Mr. Urioste:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Acme Chicago Coke Plant located at 11236 South Torrence Avenue, Cook County, Chicago, IL (Site or Facility). U.S. EPA is expending public funds to investigate and review the effects of these hazardous substances, pollutants, or contaminants on public health, welfare or the environment, and has concluded that a response action addressing conditions at the Site is necessary. The hazardous substances whose presence at the Site has been documented include polychlorinated biphenyls (PCBs), presumed asbestos-containing materials, corrosives, solvents, oils, paints, cleaners and various unidentified materials in soil, drums, containers, and cylinders, etc. Additionally, a Combined Assessment performed by the State of Illinois indicates the presence of wastes associated with the coking and tar production processes in soils and groundwater at the Site.

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), U.S. EPA started a time-critical removal at the Site in October 2005, and will continue that action unless it determines that such action will be done properly by a responsible party or parties.

Responsible parties under CERCLA include the current and former owners and operators of a facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 101(9) of CERCLA, the term "facility" includes "(A) any building, structure, installation, equipment or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located" Under Section 107(a) of CERCLA, where EPA



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Acme Chicago Coke Plant
Site#: B5AY

CERTIFIED MAIL
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Acme Steel Company
c/o Thomas F. Brett, Esq.
Ungaretti & Harris
3500 Three First National Plaza
Chicago, Illinois 60602

RE: Acme Chicago Coke Plant
11236 South Torrence Ave., Cook County, Chicago, IL
General Notice of Potential Liability

Dear Mr. Brett:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Acme Chicago Coke Plant located at 11236 South Torrence Avenue, Cook County, Chicago, IL (Site or Facility). U.S. EPA is expending public funds to investigate and review the effects of these hazardous substances, pollutants, or contaminants on public health, welfare or the environment, and has concluded that a response action addressing conditions at the Site is necessary. The hazardous substances whose presence at the Site has been documented include polychlorinated biphenyls (PCBs), presumed asbestos-containing materials, corrosives, solvents, oils, paints, cleaners and various unidentified materials in soil, drums, containers, and cylinders, etc. Additionally, a Combined Assessment performed by the State of Illinois indicates the presence of wastes associated with the coking and tar production processes in soils and groundwater at the Site.

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uses public funds toward the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

To date, U.S. EPA has performed the following actions:

On October 5 and 6, 2005, U.S. EPA and the Emergency Rapid Response Services contractor (ERRS) mobilized to the Site for site security measures. Several sections of the perimeter fence were repaired on the south and north sides of the property. Scrappers have been trespassing on the Site and damaging transformers for the copper wire and removing piping and equipment which often had asbestos wrap. A soil berm was also created along certain sections of the fence line to further prevent trespassing onto the Site.

On November 22, 2005, U.S. EPA and the ERRS contractor returned to the Site to repair the main gate which vandals have damaged, allowing unrestricted access to the Site.

On December 19, 2005, U.S. EPA and the ERRS contractor once again made fence repairs and created trenches and a berm in several areas where scrappers continued to gain entry into the Site. Samples were collected from material inside a pipe cut down by a scrapper and from two transformers damaged by scrappers. Sampling results indicated that a large transformer damaged by scrappers contained oil with high levels of PCBs.

In January 2006, ERRS wrapped the transformer in plastic, posted PCB stickers on the transformer and placed caution tape around the area until arrangements could be made to further delineate the extent of PCB-contaminated soils and remove the transformer.

In February 2006, additional soil samples were taken to further delineate soil contamination around the damaged PCB transformer and other areas where soil staining had occurred.

In April 2006, PCB contaminated soil at the location of the damaged transformer was excavated and transported off-site for disposal. Confirmation samples revealed elevated concentrations of PCBs remained in the excavation. Confirmation samples collected after the additional excavation indicate that PCB concentrations were below 1 part million.

During May 2006, all buildings were searched and all miscellaneous drums, totes, and containers were collected and staged in the Power House Building. Lead-acid batteries found throughout the facility were also being collected and staged in the Power House Building. A tote filled with oil that was leaking into the sewer line was emptied and the oil-contaminated soils excavated, stockpiled on-site and removed.

In June 2006, the materials in the Power House building were characterized and staged for off-site disposal. Above ground storage tanks were inspected and sampled. A

licensed asbestos inspector evaluated and sampled potentially asbestos containing material located outside the buildings.

U.S. EPA is currently planning to conduct the following actions at the Site:

1. Dispose of drums and containers staged in the Power House building.
2. Remove contents of tanks, characterize and properly dispose of them.
3. Dispose of cyanide contaminated soils in a roll off box.
4. Remove approximately 400 feet of pipe insulation located outside the buildings which was determined to contain asbestos.

U.S. EPA has received information that your organization may have owned or operated the facility (or facilities, as that term includes buildings and structures). By this letter, U.S. EPA notifies you of your organization's potential liability with regard to this matter and encourages your organization, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with your organization the entry of an appropriate administrative consent order under which your organization would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring your organization to perform specified work. Under Sections 106 and 107 of CERCLA, your organization may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. Also enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet, which may be helpful if your organization is subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must continue. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, your organization should notify U.S. EPA in writing within twenty days (20) days of receipt of this letter of its willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Ms. Kaushal Khanna, Program Analyst
United States Protection Agency - Region 5
Emergency Enforcement Services Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that it has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you or your organization. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Mr. Thomas Williams of the U.S. EPA, Office of Regional Counsel at (312) 886-0814.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



for Linda M. Nachowicz, Chief
Emergency Response Branch

Enclosure: SBREFA

LIST OF PRPs SENT GENERAL NOTICE LETTER

Salrecon, LLC
Attn: Michael A. Urioste
126 River Road
Gadsden, AL 35901

Acme Steel Company
c/o Thomas F. Brett, Esq.
Ungaretti & Harris
3500 Three First National Plaza
Chicago, Illinois 60602



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman



Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed through the Center's gateway at <http://www.assistancecenters.net> or by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

Three new centers are under development for the auto salvage sector, the construction industry, and U.S. Mexican border waste issues.

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>) and the Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>).

These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

*Khanna (SE-ST) Acme Chicago
Coke plant.*

RECEIVED
Postage \$ *6.32*
Certified Fee *2.40*
Return Receipt Fee (Endorsement Required) *1.85*
Restricted Delivery Fee (Endorsement Required) *1.85*
AUG 03 2006



Emergency Enforcement
Total Postage & Fees *11.32*
Services Section

Sent To

Street, Apt. #
or PO Box #
City, State, Z

Salrecon, LLC

Attn: Michael A. Urioste
126 River, AL 35901

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Khanna (SE-5J) Acme Chicago
Coke plant.

Postage

\$ 63

Certified Fee

240

Return Receipt Fee
(Endorsement Required)

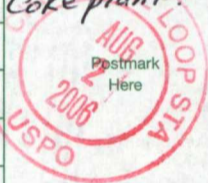
185

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

488

Postmark
Here



Sent To

Street, Apt. 1
or PO Box N

City, State, Z

Acme Steel Company
c/o Thomas F. Brett, Esq.
Ungaretti & Harris
3500 Three First National Plaza
Chicago, IL 60602

7001 0320 0006 9000 0292 3072

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Salrecon, LLC
Attn: Michael A. Urioste
126 River, AL 35901

2. Article Number

(Transfer from service lab)

7001 0320 0006 0292 3065

PS Form 3811, March 2001

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Michael Urioste

B. Date of Delivery

C. Signature

X

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Agent☐ Addressee☒ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes*8/2/06 Acme Chicago Coke plant.*

Domestic Return Receipt

102595-01-M-1424